

Remarks

Information Disclosure Statement

An Amended Information Disclosure Statement is submitted with this filing which addresses the deficiency noted by examiner.

Claim Objections

Claims 2 and 8 have been amended to remove the word “long.”

Claims 5 and 11 have been amended to remove the word “many.”

Rejections under §102 and § 103

Claims 7 and 8, as filed, stand as rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,488,544 to Ladyjensky (“Ladyjensky”). Ladyjensky relates to a chemiluminescent lighting element. Ladyjensky discloses a lighting element having two chambers, whereby each chamber contains at least one chemical product which reacts with the other chemical to produce a chemiluminescent reaction. The two chambers are separated by a disk, a plug, or a membrane capable of yielding, moving or rotating under the action of an increase in pressure in one of the chambers. (column 2, lines 20-24). The lighting of the element is to take place automatically based upon the external pressure surrounding the element, such as upon immersion in water. (column 2, lines 60-64). Additionally, uncontrolled graduated introduction is disclosed as noted “it is worth while for one of the two liquids coming from the chamber at the higher pressure, to be incorporated into the other chamber gradually, because this contributes to a certain standardization of the rate of light emission with time. The desired rate

can be controlled by acting on the calibration of the opening unblocked by the release of the plug and also by acting on the viscosity of the liquid.” (column 4, lines 19-26).

Independent claim 7 discloses a device which allows the user to control the emission of light, based upon user need, versus the external pressure relied upon by Ladyjensky. Further, independent claim 7 allows for specific control of the graduated introduction, even starting and stopping, which allows the user to completely control the rate of light emission, including stopping the reaction all together by simply stopping the mixing of the two chemicals and then beginning the process again at a later time. Ladyjensky does not allow or teach such control. In Ladyjensky once the graduated introduction begins, it continues until the chemicals are exhausted. The only control thing that Ladyjensky allows is the rate of the opening by calibrating the opening or adjusting the viscosity of the liquid. It does not allow any means to stop the reaction, or restart the reaction, once it has begun.

Thus, Ladyjensky, does not disclose or suggest the control of the graduated introduction as recited in amended independent claim 7. Claim 8, as amended, depends from independent claim 7. Thus claims 7 and 8 are believed to be in condition for allowance.

Claims 9-12, as filed, stand as rejected under 35 U.S.C. § 103(a) as being unpatentable over Ladyjensky in view of Thomas or Neylan.

Claims 9, depends from independent claim 7, and neither Ladyjensky nor Thomas, alone or in combination, disclose or suggest the controlled graduated introduction found in claim 7 and its application to emergency situations, thus claim 9 is believed to be in condition for allowance.

Claims 10, depends from independent claim 7, and neither Ladyjensky nor Thomas, alone or in combination, disclose or suggest the controlled graduated introduction found in claim 7 and

its application to a colored or imprinted container, thus claim 10 is believed to be in condition for allowance.

Claims 12, depends from independent claim 7, and neither Ladyjensky nor Thomas, alone or in combination, disclose or suggest the controlled graduated introduction found in claim 7 and the variation of chemicals, thus claim 12 is believed to be in condition for allowance.

Claims 11, depends from independent claim 7, and neither Ladyjensky nor Neylan, et. al., alone or in combination, disclose or suggest the controlled graduated introduction found in claim 7 as a means to extend chemiluminescent reactions, thus claim 11 is believed to be in condition for allowance.

New Claims

The new claims are supported by the written disclosure and makes explicit subject matter that was implicit in the original disclosure.

Conclusion

The application is now believed to be in condition for allowance and such is respectfully requested. Please call the undersigned at 317-573-8888 if any questions arise in connection with this paper.

It is respectfully requested that, if necessary, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response. In addition it is respectfully required that

any fees be charged consistent with the credit card authorization included with this filing.

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